IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 7361 of 2005

Between:

1 The Secretary to Government, Finance and Planning Department, Secretariat, Hyderabad.
2 The Director of Treasuries and Accounts, Insurance Buildings, Tilak Road, Abids,
Hyderabad.
3 The District Treasury Officer, Kakinada, East Godavari District.
4 The Regional Director of Treasuries and Accounts, Region Visakhapatnam.

..... PETITIONERS

AND

Sri G.Viswanatham Junior Accountant, office of the Sub Treasury Office, Rajahmundry, East Godavari District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Certiorari and calling for the records relating to the order passed in O.A.No.1741/97 dt.17.10.2003 on the file of Hon'ble A.P. Administrative Tribunal, Hyderabad and quash the same as illegal, arbitrary and pass such other order or orders.

Counsel for the Petitioners: GP FOR SERVICES II

Counsel for the Respondent: ……

The Court at the stage of admission made the following:

ORAL ORDER: (per GB. J.)

The Writ Petition is filed by the State assailing the order passed by A.P. Administrative Tribunal (for brevity Tribunal) in O.A.No.1741 of 1997, dated 17.10.2003.

2. The respondent was initially appointed as Shroff in East Godavari District Treasuries and Accounts Department and his services were regularized and probation was declared with effect from 5.10.1988. Later on, he was promoted as Junior Accountant with effect from 28.10.1991. However, when he was promoted as Junior Accountant, he did not possess the requisite qualification and therefore his services were regularised from a later date. The Government keeping in view and taking into consideration this aspect, issued G.O.Ms.No.192, Finance & Planning (FW Admn.II) Department, dated 18.11.1989 directing the concerned appointing authorities to regularize the services of the Junior Accountants from the date of their initial appointment even though they did not possess the requisite qualification. The respondent herein filed the above OAs seeking the benefit of the above GO. The Tribunal, after hearing the parties, disposed of the O.As., and directed the petitioners herein to regularize the services of the respondent with retrospective effect from the date when he was appointed to the said post. The said order came to be challenged before this Court.

3. The learned Government Pleader for Services-II submits that G.O.Ms.No.192, dated 18.11.1989 is irrespective in nature and it cannot be applied to the facts of this case. He further submits that the Government has specifically directed that the cases which are pending regularization only shall be considered.

4. We are afraid we cannot accept the contention of the learned Government Pleader. The very purpose of G.O.Ms.No.192 is to regularize the services of the persons who were holding the post of Junior Accountant though they did not possess the requisite qualification. Admittedly in the instant case though the respondent did not possess necessary qualification, yet he was appointed as Junior Accountant, but he was regularized in the post of Junior Accountant from the date when he possessed the qualification. Under those circumstances, granting regularization from the earlier date cannot be said to be either illegal or contrary to

law and it is in pursuance of the directives issued by the Government in G.O.Ms.No.192, dated 18.11.1999. Thus, we do not find any ground to admit the Writ Petition.

5. Accordingly the Writ Petition is dismissed at the admission stage.

(G.BIKSHAPATHY, J.)

7th April, 2005.

(P.S.NARAYANA, J.)

SSR

To

1 The Secretary to Government, Finance and Planning Department, Secretariat, Hyderabad.
2 The Director of Treasuries and Accounts, Insurance Buildings, Tilak Road, Abids,
Hyderabad.
3 The District Treasury Officer, Kakinada, East Godavari District.
4 The Regional Director of Treasuries and Accounts, Region Visakhapatnam.

5 The Registrar, A.P. Administrative Tribunal, Hyderabad.

6 2 CCs to G.P. for Services-II, High Court of A.P. Hyderabad. (OUT)

7 2 CD copies